

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814

January 18, 1990



ALL COUNTY INFORMATION NOTICE NO. I-04-90

SUBJECT: Brown v. McMahon Court Case Decision

REFERENCE: MPP 44-111.472

On November 13, 1989 the U.S. District Court handed down a decision in the Brown v. McMahon Court case. The District Court decision requires the State Department of Social Services (SDSS) to pay the \$50 child support disregard for children who receive Title II Social Security dependent payments from the account of an absent parent.

A hearing has been scheduled for February 12, 1990, to request a stay of the Federal Court's decision. If a stay is not granted, Counties will be required to provide a child support disregard to recipients who receive Title II dependent payments.

SDSS intends to hold off prospective implementation until after the February hearing. To assist the Counties in implementation SDSS is developing an unduplicated listing of current Title II cases for the period November 1989 through February 1990. Upon direction from the District Court, this listing will be mailed to the Counties for immediate implementation including making corrective underpayments for identified cases back to November 1989. Because the listing will include all Title II beneficiaries, County staff will be required to do some limited screening to identify class members. In the meantime, it is recommended that your County begin flagging cases for future identification if it would assist in any future implementation.

If you have any questions about the Brown Court case please call Mr. Vincent Toolan at (916) 324-2007.

Sincerely,

A handwritten signature in dark ink, appearing to read "R. A. Horel", is written over a horizontal line.

ROBERT A. HOREL
Deputy Director